

JUSTICE AND PUBLIC SAFETY CABINET
Department of State Police
(Amendment)

502 KAR 11:010. Application for license to carry concealed deadly weapon.

RELATES TO: KRS 237.110

STATUTORY AUTHORITY: KRS 16.080, 237.110(7)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 237.110(7) requires the department [~~Department of Kentucky State Police~~] to establish the application form for a license to carry a concealed deadly weapon. This administrative regulation establishes the application form and procedures.

Section 1. Definitions. (1) "Application form" means the "Commonwealth of Kentucky Carry Concealed Deadly Weapons/LEOSA: Application for License."

(2) "Department" means the Department of [~~Kentucky~~] State Police.

Section 2. (1) Application forms shall not be stored in an area accessible to the public.

(2) Except as permitted by Section 10 of this administrative regulation, an application form shall not be removed from the office of the sheriff.

Section 3. An application form shall be identified by a unique number that shall be:

- (1) Expressed on the application form as a bar code that contains the application number;
- (2) Used as the identifying number for the applicant; and
- (3) Machine and human readable.

Section 4. Applicants shall submit an application and documents as required by KRS 237.110 to the department either:

(1) Electronically, using the portal provided and according to the procedures as described on the department's website, or

(2) As prescribed in Sections 5 – 11 of this administrative regulation.

Section 5. A sheriff shall issue an application form to an applicant and accept an application fee if:

- (1) An applicant meets the requirements established by KRS 237.110 (4)(b), (c), and (i);
- (2) Unless exempted by KRS 237.110(6) and (7), an applicant has submitted the material required by KRS 237.110(7);
- (3) Verification that an applicant is a resident is made by:
 - (a) Submission of a valid Kentucky operator's license or personal identification card issued by the Transportation Cabinet [~~a circuit court clerk~~] pursuant to KRS 186.412;
 - (b) Personal knowledge of the sheriff; or
 - (c) Confirmation by another governmental agency;
- (4) Verification of an applicant's Social Security number is made by the submission of:
 - (a) The applicant's Social Security card; or
 - (b) A governmental agency document that contains an applicant's name and Social Security number;
- (5) Verification of an applicant's age is made by submission of:
 - (a) An item specified by subsection (3) of this section; or
 - (b) A birth certificate or other evidence of birth issued by a governmental agency; and

(6) Verification of an applicant's U.S. immigration status is made by submission of a completed CCDW License Citizenship/Immigration Status Affidavit (KSP 131) if the applicant has indicated on the application form that the applicant is not a U.S. citizen.

Section 6.~~[Section 5.]~~ An applicant who is exempt from the training requirement established by KRS 237.110(4)(i) shall submit documentation establishing that he or she:

- (1)(a) Was a peace officer on the date of his or her retirement; and
- (b) Is a member of a retirement system specified by KRS 237.110(6)(a);
- (2) Is currently certified as a peace officer by the Kentucky Law Enforcement Council pursuant to KRS 15.380 to 15.404; or
- (3) Is a current or retired peace officer of one (1) of the federal agencies listed in KRS 237.110(6)(b).

Section 7.~~[Section 6.]~~ Completion of Application Form. An applicant shall:

- (1) Complete an application at a sheriff's office;
- (2) Sign the application in the applicant signature block of the application form in ink in the presence of a sheriff;
- (3) Provide the information required by KRS 237.110(7)(a) through (e) on the application form;
- (4) Not fold or tear the form;
- (5) Use a black ink pen to complete the form;
- (6) Not mark or otherwise make an entry in the "For Sheriff's Dept. Use Only" portion;
- (7) Fill each bubble completely;
- (8) Fill in or enter information, as appropriate, within a column block or bubble;
- (9) Write within the constrained areas; and
- (10) Use upper case (capital) letters.

Section 8.~~[Section 7.]~~ The sheriff shall complete the lower right hand portion of the application form titled "For Sheriff's Dept. Use Only" by:

- (1) Completing the ORI Number;
- (2) Filling in the date of application;
- (3) Indicating if the applicant is an active or retired peace officer or a judicial officer in accordance with KRS 527.020(5)(a)1. to 7. ~~[4.]~~; and
- (4) Signing in the portion labeled "Authorizing Official Signature."

Section 9.~~[Section 8.]~~ If an applicant fails to follow the instructions for completion of an application, the sheriff shall:

- (1) Destroy the improperly completed application; and
- (2) Require the applicant to complete a new application form.

Section 10.~~[Section 9.]~~ The sheriff shall place the following material in a single applicant packet:

- (1) The applicant's completed application form;
- (2) A photograph of the applicant complying with the provisions of 502 KAR 11:020;
- (3) The CCDW License Citizenship/Immigration Status Affidavit (KSP 131) if the applicant has indicated on the application form that the applicant is not a U.S. citizen;
- (4)(a) A photocopy of the certificate of completion, ~~[or notarized affidavit of completion,]~~ of the training or safety course or class required by KRS 237.110(4)(i); or

(b) Material provided by an applicant to the sheriff establishing that the applicant is exempt from the training requirement on the grounds that he or she is:

1. Currently certified as a peace officer by the Kentucky Law Enforcement Council pursuant to KRS 15.380 to 15.404;

2. A current or retired peace officer of one of the federal agencies listed in KRS 237.110(6)(b) and successfully completed the basic law enforcement training course required by that agency; or

3. A retired peace officer and is a member of a retirement system specified in KRS 237.110(6)(a), (c), and (d); and

(5) Material provided by an applicant to the sheriff establishing that the applicant is exempt from payment of the application fee pursuant to KRS 237.110(7).

Section 11.~~[Section 10.]~~ (1) The sheriff shall mail single applicant packets to the department in a bulk mailer.[:

~~(a) In a bulk mailer; and~~

~~(b) On dates established by the "CCDW – LEOSA Application Mailing Schedule for Sheriffs."~~

(2) The sheriff shall pay the cost of mailing a bulk mailer.

Section 12.~~[Section 11.]~~ (1) If the department issues an original license pursuant to KRS 237.110(4), it shall:

(a) Transmit the license to the sheriff; and

(b) Send a notice~~[an Issuance Notice]~~ to the applicant, informing him or her that the license is being conveyed to the sheriff of the county where the applicant resides and what date the license will be available from the sheriff.

(2) The sheriff shall issue the license to the applicant upon:

(a) Verification of the identity of the applicant by:

1. Submission of a valid Kentucky operator's license or personal identification card issued by a circuit court clerk pursuant to KRS 186.412; or

2. Personal knowledge of the sheriff; and

(b) Signature on the Issuance Notice by the applicant in the presence of the sheriff or the sheriff's designee.

Section 13.~~[Section 12.]~~ Incorporation by Reference. (1) The following material is incorporated by reference:[:

~~(a) "Commonwealth of Kentucky Carry Concealed Deadly Weapons/LEOSA: Application for License", November 2009;~~

~~(b) "CCDW – LEOSA Application Mailing Schedule for Sheriffs", July 2006;~~

~~(c) KSP Form 131, "CCDW License Citizenship/Immigration Status Affidavit", [KSP 131, January] 2011 edition[: and~~

~~(d) "Issuance Notice," December 2008].~~

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Kentucky State Police, Criminal Identification and Records Branch, 1266 Louisville Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

PHILLIP J. BURNETT, JR., Commissioner

APPROVED BY AGENCY: August 24, 2021

FILED WITH LRC: August 26, 2021 at 4:30 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 9:00 a.m. on November 22, 2021 at 9:00 a.m. at 4449 Kit Carson Drive, Funderburk Building, Richmond, Kentucky 40475. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on November 30, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Amy Barker, Assistant General Counsel, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8207, fax (502) 564-6686, email Justice.RegContact@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Amy Barker

(1) Provide a brief summary of:

(a) What this administrative regulation does: Establishes the application form and procedures for acquiring a license to carry a concealed deadly weapon.

(b) The necessity of this administrative regulation: To promulgate the appropriate procedure and standards prior to the administration of a license to carry a concealed deadly weapon.

(c) How this administrative regulation conforms to the content of the authorizing statutes: It establishes the method for issuance of a license to carry a concealed deadly weapon, including the requirements that must be met.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation sets forth clear, reasonable, and consistent requirements of the application procedure.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment clarifies the existing statute and conforms to the existing practices already in place.

(b) The necessity of the amendment to this administrative regulation: The previous language did not adequately encompass the criteria relating to an active or retired peace or judicial officer. The previous language also required procedural requirements that were unnecessary.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment allows the Department to more effectively process applications.

(d) How the amendment will assist in the effective administration of the statutes: This amendment provides clarification to the previous language, and similarly defines the previous language more clearly.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Department of the Kentucky State Police; and all interested individuals who apply for a license to carry a concealed deadly weapon.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: There will be little to no impact to the entities previously identified, as the practices currently in place comply with the revised language.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Nothing.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The amendment allows the Department to adhere to the accepted requirements that are already in place.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: None.

(b) On a continuing basis: None.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Not applicable.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment: No increase is necessary.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The amendment of this administrative regulation does not establish any new fees, directly or indirectly.

(9) TIERING: Is tiering applied? No. Tiering not applied.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department of the Kentucky State Police; and all interested individuals who apply for a license to carry a concealed deadly weapon.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 16.080, KRS 237.110(7)

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? Nothing.

(d) How much will it cost to administer this program for subsequent years? Nothing.

Revenues (+/-): None.

Expenditures (+/-): None.

Other Explanation: None.